

Revised 03/06 WDNV

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)**

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

James I. Wynn sr.

-VS-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

- | | |
|--|--|
| 1. <u>Gerda B. Cassara</u> | 4. <u>A Bay Abstract</u> |
| 2. <u>Housing Advocacy Service Inc.</u> | 5. <u>Suan J. Michel Esq</u> |
| 3. <u>Mark Greengard Providence Housing Development Corp</u> | 6. <u>Rochester Gas & Electric</u> |

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections MUST be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: Plaintiff and Defendant reside in Monroe County

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: Location of Infection

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Property Foreclosure Scam by Gerda B. Cassara and the above Defendants Conspired to further violate Plaintiff Civil Rights and Abuse Constitutional Rights Due process Discrimination Cause to Confuse a vulnerable and disabled individual. Plus Violation of my Chapter 7 Bankruptcy Stay & Status
also see Second Circuit Court of Appeals mandate dated 11-22-2019
also see Chapter 7 discharge dated 11-26-2019 also see Order Changing

(1)

3. PARTIES TO THIS ACTION**PLAINTIFF'S INFORMATION NOTE:** To list additional plaintiffs, use this format on another sheet of paper.Name of First Plaintiff: James I Wynn SrPresent Address: 7 Keeler Street Circle
Rochester New York 14606

Name of Second Plaintiff: _____

Present Address: _____

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.Name of First Defendant: Carla B CassaraOfficial Position of Defendant (if relevant): Illegally Foreclosed on Plaintiff Property 3840 LakeAddress of Defendant: 8285 Peachey Road
Bergen NY 14416Name of Second Defendant: ^{Housing} Advocacy Service Inc.Official Position of Defendant (if relevant): Paying rent to illegal property ownerAddress of Defendant: One East Main Street Suite 315 Rochester NY 14614Name of Third Defendant: Mark Greisberger Providence Housing Development Corp.Official Position of Defendant (if relevant): Executive Director Paying rent illegal ownerAddress of Defendant: 1150 Buffalo Road Rochester NY 14624-1822**4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☐If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): James I Wynn Sr

(2)

6. PARTIES TO THIS ACTION**PLAINTIFF'S INFORMATION** NOTE: To list additional plaintiffs, use this format on another sheet of paper.Name of First Plaintiff: James J Wynne SrPresent Address: 7 Kencrest Circle
Rochester NY 14606

Name of Second Plaintiff: _____

Present Address: _____

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.Name of ^{Fourth} First Defendant: A Bay Abstract CorpOfficial Position of Defendant (if relevant): Filing False Documents For Illegal Property TransferAddress of Defendant: 65 West Broad Street Suite 101 Rochester NY 14614Name of ^{Fifth} Second Defendant: Susan E Michel Esq.Official Position of Defendant (if relevant): Attorney For Mark Updegraff Atk Ward RedukhaAddress of Defendant: 703 Telephone Road W. Henrietta NY 14586Name of ^{Sixth} Third Defendant: Rochester Gas & ElectricOfficial Position of Defendant (if relevant): Supplying Gas & Electric Illegal mannerAddress of Defendant: 89 East Avenue Rochester NY 14649-0001**4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☐If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): James J Wynne Sr

Defendant(s): Cecilia B. Cassano, Housing Advocacy Service Inc.
Providence Housing Development, Alban Abstract, Susan Mitchell & F
Rochester Gas & Electric

2. Court (if federal court, name the district; if state court, name the county): Monroe
3. Docket or Index Number: 2022-2086; 2022-2229, 2022-2282
4. Name of Judge to whom case was assigned: No Judge Assigned Only Service Summons With Notice
5. The approximate date the action was filed: 2282 Filed 8-12-2022 Amended on 8-18-2022
2229 Filed 8-12-2022 2086 Filed 7-27-2022
6. What was the disposition of the case?
- Is it still pending? Yes ☒ No ☐

If not, give the approximate date it was resolved. No Complaint has been Filed only Summons With Notice

Disposition (check those statements which apply):

☐ Dismissed (check the statement which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

- ☐ plaintiff
- ☐ defendant.

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

Also See memoranda from Court of Appeals dated 11-25-2019
 also Chapter 9 discharge dated 11-22-2019

A. FIRST CLAIM: On (date of the incident) See Attached Verified Complaint
 defendant (give the name and (if relevant) the position held of each defendant involved in this incident) Cecilia B. Cassano Housing Advocacy Service and Providence Housing Development Corp. and Mark Greisberger Executive Director, Alban Abstract Susan Mitchell & F Rochester Gas and Electric.

did the following to me (briefly state what each defendant named above did): See attached

Verified Complaint The Defendant defamed me both on a big lie that they knew from the start that Gerda Cassara didn't have any standing or jurisdiction or Plaintiff or my property at 2840 Wake Ave. They also brought on the fact that Judge Hammer and Judge Warden and other make sure that Plaintiff did not get any legal representation and also they looked at my age as 82 years they figured that they were above the law. They knew they were wrong but didn't care because it wasn't happen to them. The federal basis for this claim is: Civil Rights Discrimination based on race and age Fraud stealing personal property Foreclosure (Fraud) elder abuse False claims etc

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

I want the Court to return my property which was illegally taken. This scam has lawyers and judges as conspirators also a reckless and looking at

B. SECOND CLAIM: On (date of the incident) See Verified Complaint (attached)

defendant (give the name and (if relevant) position held of each defendant involved in this incident) Gerda B Cassara

Housing Advocacy - Cassara the Mark Greenhouse Providence Housing Corp
Albar Abstract Susan J. Michel Esq Rochester Gas & Electric

did the following to me (briefly state what each defendant named above did): See attached Verified

Complaint (attached) They Violated my Chapter 7 Bankruptcy stay but this bankruptcy should not have come into play because they all knew that Gerda B Cassara was a fraud but they didn't care Mark Greenhouse Providence have lawyer the know this was a scam and all of Plaintiff's rights were being violated. But as I stated before it wasn't happening to them or their family so they didn't care

The federal basis for this claim is: See attached Verified Complaint (attached)

Prohibited Fraudulent Scam denied due process racism elder abuse etc

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

I want my property at 2840 Wake Ave Rochester New York returned and find lawyers that are list in the Complaint. This need to be investigated by the all District Attorneys all of the Defendants mentioned in the Complaint are conspirators. Also settle the fact that all of these illegal lawless acts were doing Plaintiff was under protection Chapter 7 Bankruptcy stay and statutes

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

See attached Verified Complaints I am respectfully
requesting my property be returned to me that was fraudulently taken away
from me by the Defendants. I am only requesting that a lawless racist
biased prejudiced age abuse act be corrected and all of the conspirators
be held responsible.

Do you want a jury trial? Yes ☒ No ☐

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8 - 22 - 2022
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

James J. W. [Signature]

Signature(s) of Plaintiff(s)

CIVIL COVER SHEET

22CV6353-DGL

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

James I Wynn Sr

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Gilda R Cassava, Housing
Advocacy Service Inc Providence Housing
Corp Mark Greisberger Executive Vice
President Abstract Susan Mitchell Esq Rochester
County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act (Excludes Veterans) <input type="checkbox"/> 152 Recovery of Defaulted Student Loans <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input checked="" type="checkbox"/> 380 Other Personal Property Damage <input checked="" type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input checked="" type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input checked="" type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input checked="" type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

Gilda Cassava Corp with Housing Advocacy Servicing Inc

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

1,000,000

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____